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**OFFICE OF PETITIONS**

In re Application of Jaffee :  
Application No. 10/608,790 : Decision on Petition  
Filing Date: June 27, 2003 :  
Attorney Docket No. 7302 :

This is a decision on the petition under 37 CFR 1.137(b), filed July 20, 2009, to revive the above-identified application.

The petition is **granted**.

The Office mailed a final Office action on December 11, 2008. The Office action set a shortened statutory period for reply of three (3) months. A reply was timely filed February 11, 2009. However, the examiner determined the reply was improper for the reasons listed on the Advisory Action mailed February 24, 2009. Petitioner did not file any further reply or request an extension of time. Therefore, the application became abandoned on March 12, 2009. A Notice of Abandonment was mailed on July 21, 2009.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed,
- (2) The petition fee,
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) A terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Petitioner has satisfied requirement (1). Specifically, petitioner has submitted a reply to the final Office action in the form of a Request for Continued Examination and submission.

Petitioner has satisfied requirement (2). Specifically, petitioner has submitted the required petition fee of \$1,620.

With respect to requirement (3), 37 CFR 1.137(b)(3) requires "a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) [was] unintentional." To the extent any statement of delay in the petition varies from this exact language, the statement has been construed as the equivalent of the statement above. If the entire delay from the date of abandonment, March 12, 2009, until the date the petition was filed, July 20, 2009, was not unintentional, petitioner must notify the Office. In view of the foregoing discussion, petitioner has satisfied requirement (3).

Petitioner has satisfied requirement (4) in so far as a terminal disclaimer is unnecessary in the instant case.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

Technology Center Art Unit 1794 will be informed of the instant decision and the application will be further examined in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



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Office of Petitions